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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)

Working paper prepared by the Secretariat

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I. General

1. The Falkland Islands (Malvinas)[1] is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory comprises two large islands, known as East and West Falkland, as well as some 200 smaller islands, and has a total area of about 12,173 square kilometres (4,700 square miles). The Territory is situated in the South Atlantic, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 kilometres east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate Territory; the Governor of the Falkland Islands (Malvinas) acts as Commissioner for South Georgia and the South Sandwich Islands.

2. According to the territorial census report of 1996, the ordinarily resident population in the Territory in 1996 numbered 2,221. This figure is adjusted to take into account persons who reside in the Territory but who were absent during the holding of the census.

II. Constitutional and political developments

A. Constitution and Government

3. The Constitution of the Falkland Islands (Malvinas), which came into effect on 18 April 1985, vests executive power in a Governor, who is the personal representative of the British monarch, assisted by an Executive Council. The Executive Council comprises three members of the Legislative Council elected annually by the eight elected members of that Council from among their own number, and two ex officio members, the Chief Executive and the Financial Secretary, who also sit on the Legislative Council. In addition, the Attorney-General and the Commander of British Forces in the Falkland Islands attend by invitation. The Legislative Council, chaired by the Governor, has eight members elected by universal adult suffrage. General elections are held every four years. The voting age is 18. The Legislative Council also has two non-voting ex officio members, the same two who sit on the Executive Council. It will be recalled that the Constitution of the Territory stipulates, *inter alia*, that: "whereas all peoples have the right of self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit and international law; and whereas the realization of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations".

4. The Falkland Islands Constitution Order 1985, containing the Constitution of the Falkland Islands, came into force on 3 October 1985. The Falkland Islands Constitution (Amendment) Order 1997 came into force on 1 September 1997. A copy of the Falkland Islands Constitution (Amendment) Order 1997 and of the Falkland Islands Constitution (Amendment) (No. 2) Order 1997, which came into force in February 1998, have been submitted to the Secretariat by the administering Power. Further information on constitutional aspects, including amendments to the Electoral Ordinance is contained in document A/AC.109/1999/12.

B. Political developments

5. On 10 June 1999 the Government of Argentina issued the following press release:

> "On 10 June, 'Day of Affirmation of Argentine rights to the Malvinas Islands and the Antarctic Sector', the Argentine nation commemorates the establishment of the Political and Military Command of the Malvinas Islands and the Islands Adjacent to Cape Horn in the Atlantic Ocean, in accordance with the decree by the Interim Governor of the province of Buenos Aires, Brigadier General Martín Rodríguez, in 1829.
>
> "Since the beginning of its existence as an independent nation, the Argentine Republic has demonstrated, through actions by the Government, the firm political determination to exercise its effective sovereignty in the southern

territories and maritime areas inherited from Spain.

"This effective exercise of sovereignty was interrupted when, on 3 January 1833, British forces occupied the Islands, expelling the population and the Argentine authorities established there. Subsequently, Argentine citizens were prevented from settling freely or owning land in those territories.

"The Argentine people and Government never accepted that act of force and today reiterate, just as in the past, their unwavering determination to regain through the peaceful means of diplomatic negotiations and in accordance with the numerous appeals by the international community, the exercise of sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas.

"The Argentine claim has traditionally been supported by the countries of our region and the relevant international bodies, including the General Assembly of the United Nations and the General Assembly of the Organization of American States. These forums have repeatedly requested the Governments of the Argentine Republic and the United Kingdom to resume negotiations making it possible to resolve the sovereignty dispute definitively and in a peaceful manner.

"On this momentous date, the Argentine Government reiterates its constant readiness for dialogue with the United Kingdom, in the search for understandings which would be mutually satisfactory for the interests of both parties and would be certain to lead to a resumption of negotiations on the substance of the question.

"The Argentine Government reaffirms its belief that the re-establishment of communications between the mainland territory and the islands, including the unrestricted access of Argentine citizens to the archipelagos, will create a favourable framework for a peaceful and lasting resolution of the dispute."

6. Argentine and United Kingdom delegations met in London on 13 and 14 July 1999, following previous meetings in London on 25 and 27 May and in New York on 2 July. The Argentine delegation was led by the Minister of Foreign Affairs, International Trade and Worship, Mr. Guido Di Tella. The United Kingdom delegation was headed by the Secretary of State for Foreign and Commonwealth Affairs, Mr. Robin Cook and included members of the Falkland Islands Legislative Council. On 14 July 1999, at the conclusion of discussions held in London between the delegations of Argentina and the United Kingdom, the two Governments signed a joint statement (A/54/229, annex), to record the understandings reached.

7. In a letter dated 14 July 1999 addressed to the Minister of Foreign Affairs, International Trade and Worship of Argentina, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom stated that the formula on sovereignty in paragraph 2 of the joint statement issued at Madrid on 19 October 1989 applied to the joint statement of 14 July 1999 and he recorded the understanding between the two Governments on its detailed implementation. In his reply dated 14 July 1999, the Minister of Foreign Affairs, International Trade and Worship of Argentina confirmed those understandings (see A/54/229).

8. At a press conference on 14 July 1999 with the Minister of Foreign Affairs, International Trade and Worship of Argentina, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom stated:

> "There is nothing whatsoever in this agreement that compromises the position either of Britain or of Argentina in relation to sovereignty. What this agreement does, though, is show that we have managed our disagreements on sovereignty in a way that has enabled us to make practical arrangements between us and to carry forward the practical business that inevitably arises between the Falkland Islanders and the immediate neighbours on the Latin American mainland. We have got out of this practical measures that will be of benefit to both sides, and that includes the Falkland Islanders. But nothing here compromises either our position on sovereignty or, for that matter, the position of the Government of Argentina."

9. In another letter dated 14 July 1999, addressed to the Minister of Foreign Affairs, International Trade and Worship of Argentina (A/54/230, annex), the Secretary

of State for Foreign and Commonwealth Affairs of the United Kingdom stated:

> "I have the honour to refer to the joint statement we signed in London today and to our exchange of letters, also of today's date, recording the understandings between our Governments on its detailed implementation.
>
> "I should like you to be aware that some of the responsibilities and commitments of the Government of the United Kingdom of Great Britain and Northern Ireland under the aforementioned joint statement and exchange of letters will be discharged by Her Majesty's Government of the Falkland Islands."

10. In a letter dated 14 July 1999, addressed to the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, the Minister of Foreign Affairs, Trade and Worship of Argentina stated:

> "In this connection, I wish to inform you that the above-mentioned joint statement and exchange of notes were agreed to under the formula on safeguard of sovereignty contained in paragraph 1 (ii) of the joint statement of the Argentine and British delegations issued in Madrid on 19 October 1989.
>
> "Therefore, any arrangements made by the United Kingdom with a view to their implementation are an internal affair to be decided by its Government, which has no bearing on the nature of the controversy over sovereignty over the Malvinas Islands, South Georgia and South Sandwich and the surrounding maritime areas, or on the Argentine position on the matter."

11. The newly elected President of Argentina, Mr. Fernando de la Rúa, speaking at his inauguration before the Legislative Assembly on 10 December 1999, stated:

> "We will always maintain that it is through dialogue that conflicts may be resolved. This is a course which we will follow strictly in the sacred mission of defending the sovereignty of the Malvinas Islands."

On 21 December, the newly appointed Minister of Foreign Affairs, International Trade and Worship of Argentina, Mr. Adalberto Rodríguez Giavarini, speaking at an official meeting at the Ministry, stated:

> "With regard to the Malvinas Islands and the islands of the South Atlantic, we will continue with peaceful efforts for their recovery, taking action aimed at preserving and reaffirming the sovereign Argentine rights over the islands and adjacent maritime areas, both at the bilateral level — with a friendly country, the United Kingdom — and at the multilateral level.
>
> "We will continue to move forward in the negotiations to the extent that we believe that the claims of sovereign rights are a primary objective. Argentina, of course, will take into account the interest of the islanders, as established by the constitutional mandate."

12. In December 1999, United Kingdom Foreign Office Minister Mr. Battle said at a meeting of the House of Commons: "A number of the measures set out in the British-Argentine Joint Statement of 14 July have already been implemented. The Falkland Islands Government have admitted Argentine passport-holders to the Falklands since July. All deadlines have been met to restore air links between the Falklands and South America and to introduce measures to combat the common menace of poaching of fish stocks. We continue to consolidate progress on the remaining issues. We are working with Argentina on a Memorandum of Understanding on the terms of a study to determine the cost and feasibility of removing the remaining land mines from the Falklands. Both sides continue to work towards a multilateral arrangement to regulate fishing in the high seas of the South-West Atlantic. An Argentine architect has recently visited the Falklands to discuss proposals for construction of a memorial at the Argentine cemetery there. The Argentine Government are committed to review their use of Falklands place names. None of these developments affect our commitment to defend the Islanders' right to determine their own future. The sovereignty of the Falkland Islands is not for negotiation."

13. In a message broadcast on 24 December 1999, the Prime Minister of the United Kingdom, Mr. Tony Blair stated:

> "... This has been an eventful year for the Falkland Islands. Earlier this year, your Legislative Council asked us to begin a new dialogue with Argentina to discuss some issues of importance to you. Councillors have played a

significant part in this process and approved the joint statement that was signed on 14 July here in London by Robin Cook and Guido Di Tella. I want to pay tribute to their vision and determination. I believe they are pursuing a policy that is in the best interest of the Falkland Islands.

"Air links with South America have been re-established. Cooperation has been strengthened with Argentina to conserve fish stocks in the South West Atlantic.

"These are important achievements. They show that we can manage our differences with Argentina and still make progress on practical issues.

"As part of that July agreement, Councillors also lifted a ban which had been in place for almost two decades on Argentine passport holders visiting the Islands. I know that this was not an easy decision, but I am convinced that it was the right thing to do. The Argentine people now have the opportunity to see the Islands for what they are, to meet you, see how you live and to understand the essential Britishness of the Falkland Islands.

"When I spoke to the new President of Argentina in Paris just after his election, I welcomed his support for our July agreement. In turn, he assured me of his commitment to continuing our dialogue. I hope this will result in further improvements in regional cooperation and understanding. (...)"

14. By letter dated 4 January 2000 (A/54/701), the Chargé d'affaires a.i. of the Permanent Mission of Argentina transmitted to the Secretary-General a press communiqué "on the occasion of another anniversary of the illegitimate British occupation of the Malvinas Islands" issued by the Government of Argentina on 3 January. The press communiqué read as follows:

"On 3 January 1833, British forces occupied the Malvinas Islands, expelling their inhabitants and the Argentine authorities established there. Since today marks the 167th anniversary of that illegitimate occupation, the Argentine people and Government reaffirm the Argentine Republic's imprescriptible rights of sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas.

"The Government reiterates on this occasion the unfailing determination of the Argentine people, enshrined in the National Constitution, to recover the full exercise of sovereignty over the territories and maritime areas referred to by means of a peaceful settlement of the disputes in accordance with international law, respecting the way of life and interests of the inhabitants of the Islands.

"The Argentine Government declares its firm intention to continue making headway in the dialogue with the United Kingdom in order to consolidate a relationship of mutual trust and expand bilateral cooperation.

"It is the belief of the Argentine Government that the resumption of the negotiations on the question of sovereignty, in accordance with the numerous and ongoing appeals by the international community, will help to create a favourable framework for achieving a just and definitive settlement of the dispute."

15. Secretary of State for Defence of the United Kingdom, Mr. Geoffrey Hoon, visited the Falkland Islands (Malvinas) in March 2000. Subsequently, he visited Argentina, where he held meetings with the Defence Minister of Argentina, Ricardo López Murphy. He was also received by the President of Argentina, Mr. Fernando de la Rúa.

16. By letter dated 23 March 2000 (A/54/811), the Permanent Representative of the United Kingdom referred to the letter dated 4 January 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina (see para. 13) and stated:

"The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and South Georgia and the South Sandwich Islands and rejects as unfounded the claim by the Government of the Argentine Republic to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom."

III. Mine clearance

17. In 1994, the Government of Argentina offered to assume the task of removing the mines laid in the Falkland Islands (Malvinas) by the armed forces of Argentina during the conflict of 1982. An Action Agenda issued by Prime Minister Blair and President Menem on 28 October 1998 stated that both Governments would work together to evaluate the feasibility and cost of clearing the landmines that remained in the Falkland Islands (Malvinas). Work on a memorandum of understanding setting out how this feasibility study would be carried out is under way. Both Governments reaffirmed their commitment to cooperate on mine clearance in the joint statement of 14 July 1999.

IV. Economic conditions

A. General

18. According to the administering Power, the pace of economic development has accelerated dramatically since 1982; this rapid growth resulted initially from the influx of British Government aid, but more recently from the development of fisheries. The size of the fisheries' revenues and their subsequent investment have enabled improvements to be made in the infrastructure and the promotion of tourism and other enterprises, which will help to diversify the economy. The basic challenge is to increase economic security through diversification, including further development of tourism and diversification of agricultural production.

B. Public finance

19. The Territory's financial year runs from 1 July to 30 June. The statement showing total receipts and payments for the year ended 30 June 1999 shows an actual total revenue of £44,874,890 and an actual total expenditure of £44,875,891. Estimated expenditures for 1999-2000 total £44,101,790.

C. Agriculture, land tenure and livestock

20. The Department of Agriculture continues to be responsible for this sector of the economy. The agricultural budget for 1998/99 totalled £1,167,400.

21. The land is devoted for the most part to sheep ranching to produce wool. According to information provided by the administering Power, the continuing low price of wool continues to give cause for concern and the Department of Agriculture is endeavouring to encourage agricultural diversification. Programmes relating to wool production and marketing continue to be a major focus. Wool preparation, the promotion of Falkland Island (Malvinas) wool's chemical free or "organic" status and investigations into reducing the costs associated with the sale of Falkland Islands (Malvinas) wool are ongoing. In addition, efforts are being made to diversify the rural economy. The construction, with European Union funds, of an abbattoir will enable the development of a meat industry. Pasture improvement and a range of other agricultural activities are also taking place.

D. Fisheries

22. Squid, including *Loligo* and *Illex*, are the mainstay of the territorial fisheries and economy. Revenue from fishing licences was £17 million in the financial year ending in July 1998. For the fiscal year ending in June 1999, the revenue from fishing licences is estimated at £20 million, approximately 48.2 per cent of the total annual ordinary revenue of the territorial Government. Government expenditure on fisheries in 1998/99 amounted to £5,612,229.

23. The South Atlantic Fisheries Commission held its fifteenth meeting in London on 16 June 1999. The British delegation was led by the Head of the Overseas Territories Department, Foreign and Commonwealth Office, Mr. John White, and the Argentine delegation was led by the Legal Counsel, Ministry of Foreign Affairs, International Trade and Worship, Orlando R. Rebagliati. The British and Argentine delegations agreed to apply to the meeting and its consequences the formula on sovereignty over the Falkland Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas agreed by the British and Argentine Governments in paragraph 2 of the joint statement issued at Madrid on 19 October 1989. In a statement issued at the conclusion of the meeting, the

Commission welcomed the report of the Scientific Subcommittee on its 13th meeting, which was held in London on 14 and 15 June 1999. It took note of the cooperation between the Instituto Nacional de Investigación y Desarrollo Pesquero (INIDEP) and the Imperial College, and of the progress made on joint research. The Commission expressed its satisfaction at the progress made by the Subcommittee and agreed to recommend to both Governments the Subcommittee's proposals. Both delegations expressed their commitment to the conservation of fish and squid stocks in the South Atlantic and reaffirmed their support for the Early Warning System and the need to improve the exchange of real time data on fishing operations. The Commission agreed to recommend that a workshop should be held to improve understanding of the calculation of the status of the squid stock and its assessment. It noted that a joint workshop between Imperial College and INIDEP to assess the Southern Blue Whiting stock had taken place and welcomed the progress made by the Subcommittee and its workshop in achieving a more comprehensive assessment of the actual status of this stock. It noted the conclusion of the Subcommittee that, since 1978, the stock size had significantly reduced to levels which could jeopardize the fisheries. It recommended that both Governments should continue to analyse the status of the stock, including through joint research cruises, and take measures to ensure the recovery of the stock to an exploitation level which is sustainable. The Argentine delegation made reference to the concern of the Government of Argentina about the situation created by the British decision with respect to the area described in the annex to the joint statement of 26 November 1990 and the area to the west of it. It expressed the hope that the matter would be resolved. The British delegation re-stated its position.

24. An ad hoc meeting of the South Atlantic Fisheries Commission took place in Madrid on 2 and 3 September 1999. The British delegation was led by the Head of the Overseas Territories Department of the Foreign and Commonwealth Office, Mr. John White, and the Argentine delegation by the Legal Counsel of the Ministry of Foreign Affairs, International Trade and Worship, Orlando R. Rebagliati. The British and Argentine delegations agreed to apply to the meeting and its consequences the formula on sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas agreed by the British and Argentine Governments in paragraph 2 of the joint statement issued in Madrid on 19 October 1989.

25. In a communiqué issued at the end of the meeting, it was stated that the Commission had reviewed the provisions on fisheries set out in the joint statement and exchange of notes signed in London by the Foreign Ministers of the United Kingdom and Argentina on 14 July 1999. It discussed the shared commitment of the parties to the maintenance and conservation of fish stocks in the South Atlantic and ways of enhancing existing levels of cooperation. The delegations agreed on the importance of ensuring the stability of fish stocks and agreed that there should be further development of scientific cooperation building on the work of the Scientific Subcommittee, including through an enhanced exchange, in real-time, of scientific data on significant species in the area. They recalled the economic significance of the South Atlantic fisheries and agreed to coordinate the exchange of information about their respective regulatory policies and administrative measures. The Commission agreed on the need for timely adoption of longer-term measures to ensure the sustainability of fish stocks in the high seas of the South West Atlantic, and that this should be achieved through the early establishment of a multilateral fisheries arrangement. The delegations agreed that poaching undermined their shared commitment to the maintenance and conservation of fish stocks in the South Atlantic and agreed to recommend to their respective Governments practical measures to be coordinated and put in place by 9 October 1999 with the purpose of preventing poaching. The Argentine delegation referred to the concern of the Government of Argentina on the situation created by the British decision with respect to the area described in the annex to the joint statement of 26 November 1990 and the area to the west of it. It expressed the hope that the matter would be solved. The British delegation restated its position.

26. On 8 October 1999, the Governments of the United Kingdom and Argentina issued a press communiqué in which they stated that, as agreed in the joint statement of 14 July 1999, British and Argentine officials continued consultations subsequent to the Madrid meeting of the South Atlantic Fisheries Commission in September 1999 to consider the question of the relative stability of fish stocks, poaching and other questions related to it. The Governments of the United Kingdom and Argentina

confirmed that the practical measures discussed in Madrid had been put in place. Both Governments had met the common objective of introducing practical measures to prevent poaching and were making progress on promoting the maintenance and conservation of fish stocks in the South Atlantic. In the joint press statement of 3 September 1999, the Commission had agreed that there should be further development of scientific cooperation building on the work of the Scientific Subcommittee, including an enhanced exchange of scientific data on significant species in the area. This work was continuing together with exchanges of information about regulatory policies and administrative measures. The Commission renewed its commitment to ensure the sustainability of fish stocks in the high seas of the South West Atlantic through the early establishment of a multilateral fisheries agreement. The Governments of the United Kingdom and Argentina expressed confidence that the process outlined in the 14 July joint statement and carried forward in the Madrid consultations would help them to ensure the conservation and sustainability of fish stocks in the South Atlantic.

27. The South Atlantic Fisheries Commission held its sixteenth meeting in Buenos Aires on 25 and 26 November 1999. The British delegation was led by the Head of the Overseas Territories Department of the Foreign and Commonwealth Office, Mr. John White, and the Argentine delegation was led by the Head of the Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship, Minister Silvia Merega. The British and Argentine delegations agreed that there applied to the meeting and its consequences the formula on sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas contained in paragraph 2 of the joint statement issued in Madrid on 19 October 1989, and reproduced in the following joint statements. The Commission welcomed the report of the Scientific Subcommittee on its 14th meeting, which was held in Mar del Plata, Argentina, on 23 and 24 November 1999 and the continuing cooperation between INIDEP and the Imperial College, highlighting particularly the progress made on understanding problems affecting Southern Blue Whiting. The Commission agreed to recommend the Subcommittee's proposals to both Governments. Both delegations concurred in the importance they attach to ensuring the stability of fish stocks and reiterated the commitment of both Governments to the conservation of fish and squid stocks of the South West Atlantic. They recommended to both Governments the continuation of further scientific developments towards a greater understanding of the most significant offshore species in the area. Both delegations reaffirmed their support for the Early Warning System, and the need to improve the exchange of real time data in fishing operations. The Commission agreed to recommend to both Governments that every effort be made to maintain the level of 40,000 metric tons of *Illex* spawning stock biomass at the end of the fishing season in order to ensure stock sustainability. The Commission noted the concerns raised in the Subcommittee about the level of uncertainty associated with the estimation of recruitment of the short-fin squid, *Illex*. As an enhancement of the Early Warning System, it was agreed to recommend a workshop on *Illex* as a means of ensuring appropriate methodologies for the continued effective operation of the Early Warning System. Both delegations exchanged views on conservation and other measures affecting the fisheries of the South West Atlantic, the need for further exchanges of information. They discussed ways of ensuring the relative stability of fisheries, recalling their economic significance. The Commission agreed on the need for timely adoption of longer-term measures to ensure the sustainability of fish stocks in the high seas of the South West Atlantic through the early establishment of a multilateral fisheries arrangement. It noted the concerns expressed by the Subcommittee that current catch levels on the Southern Blue Whiting stock were not sustainable and should be further reduced next year in order to achieve stability. In the case of *Illex*, they concurred in recommending to maintain a precautionary approach. The Commission further recommended that an extended workshop should take place in conjunction with the next meeting of the Subcommittee in order to extend current progress being made in the assessment of the actual status of the Southern Blue Whiting stock and of hoki and to plan the joint research cruise. Both delegations agreed that poaching undermined their shared commitment to the maintenance and conservation of fish stocks in the South Atlantic. In this context, they recalled their respective Governments' commitment to continue the application of practical measures with the purpose of preventing poaching. The Argentine delegation reiterated the concern of the Government of Argentina about the situation created by the British

decision with respect to the area described in the annex to the joint statement of 26 November 1990 and the area to the west of it. It expressed the hope of the Government of Argentina that the matter would be resolved. The British delegation reiterated its position.

E. Tourism

28. The number of persons arriving and departing the Territory continued on an upward trend during 1998. Some 10,140 persons arrived during 1998. Of these, 8,816 came by air and 1,324 by sea. About 3,430 were residents; visitors totalled 2,790. On the other hand, 9,768 persons departed. Flights to Chile, which had been suspended in March 1999, resumed in early August 1999. Since October 1999, flights have included stopovers in Puerto Gallegos, Argentina, on the route between Punta Arenas and the Mount Pleasant Airport.

F. Oil

29. The seventh meeting of the South-West Atlantic Hydrocarbons Commission was held in Buenos Aires on 22 July 1999. The British delegation was led by Peter Westmacott, Director of the Americas Command, at the Foreign and Commonwealth Office, and the Argentine delegation by Eduardo Airaldi, Under-Secretary for Foreign Policy, at the Ministry of Foreign Affairs, International Trade and Worship. A meeting of the Subcommittee for the Special Cooperation Area was held on 20 and 21 July 1999. The British and Argentine delegations agreed that there applied to the meeting and its consequences the formula on sovereignty over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas, set out in paragraph 1 of the joint declaration of 27 September 1995.

30. In a joint statement at the conclusion of the meeting, the Joint Commission expressed satisfaction at the progress made by its Subcommittee in the treatment of several questions related to the launch of a licensing round in the Special Cooperation Area. The Joint Commission confirmed its commitment to a launch of the licensing round in the Special Cooperation Area. It noted that it was important to maintain the present momentum of work to achieve that objective. The Joint Commission agreed that further work was necessary on the proposed marking scheme for bids, health and safety issues, harmonization of licence terms and conditions, future environmental work and taxation, and that this should include intersessional contact between experts through the usual channels. The Joint Commission gave particular consideration to issues related to the protection of the marine environment of the South West Atlantic. It agreed that additional work would be required in order to complete the collection of data necessary to reach a better understanding of the marine environment. The Joint Commission agreed to give further consideration to the analysis and accomplishment of joint scientific research projects. Both sides considered the development of cooperation over the promotion of the exploration for and exploitation of hydrocarbons in the maritime areas of the South West Atlantic subject to the controversy on sovereignty and jurisdiction. They noted the importance of continuing to share information relevant to the conduct of that work. They also reiterated their commitment to create the conditions for substantial participation in activities by companies from the two sides. The Joint Commission expressed its satisfaction with the progress achieved since their last meeting. Joint work was going forward in a cordial and constructive atmosphere.

G. Transport, communications and other basic facilities

31. Detailed information on this area is contained in the working paper prepared by the Secretariat in 1999 (A/AC.109/1999/12). Additional information is given below.

32. In August 1999, flights between Chile and the Falkland Islands (Malvinas), which had been suspended since March 1999, resumed. Since October 1999, two stops per month at Río Gallegos, one in each direction, have taken place.

H. Banking

33. Both British and local coinage is used, together with local currency notes. There is parity between the United Kingdom and Falkland Islands (Malvinas) currency. The Standard Chartered Bank of the United Kingdom has been operating in Stanley since December 1983.

I. Public works

34. The Design Section of the Public Works Department has produced documentation for contract works worth approximately £1.7 million and for direct labour works worth approximately £100,000. Surveying and plotting of farm boundaries has continued together with surveys of settlements and Stanley Common.

35. Construction and maintenance of roads has continued. In the north of East Falkland, a road to Bombilla from the Hope Cottage area has been completed, while road construction to Salvador has commenced. Progress has been maintained on new road construction in the north of West Falkland with the road to Main Point and Shallow Bay completed. Under the camp Link Road Assistance project, the road to San Carlos was completed. The road surfacing crew has laid asphalt at the East Stanley infrastructure development site and a number of other roads in Stanley.

36. The new processing plant at the Pony's Pass Quarry completed its first full year of production, producing approximately 75,000 tons of high-quality aggregates. Improvements in working practices and management systems have resulted in higher net revenue per ton. The new financial year will see development of a second working level, releasing reserves in excess of one million tons, considerably extending the life of the operation.

V. Social conditions

A. General

37. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms has been extended to the Falkland Islands (Malvinas) by the administering Power. Further, the United Kingdom has extended the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights to the Territory and observes the regular reporting procedures under these instruments. The common law of the United Kingdom applies in the Falkland Islands (Malvinas) except insofar as it is inconsistent with any enactment of the law applying to the Falkland Islands (Malvinas).

38. There is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights. The Convention on the Elimination of All Forms of Discrimination against Women has been applied by the United Kingdom in the Falkland Islands (Malvinas) with the agreement of the territorial Government.

B. Public health

39. According to the administering Power, the general state of health and nutrition of the population and the standard of medical care in the Territory are similar to those in North America and Europe. There is no private system of medical care. The total expenditure of the Medical Department on all aspects of health care and public health for 1997/98 is as follows: recurrent expenditure, £2,983,720; special expenditure, £48,800; and capital expenditure, £86,000.

40. Since 1987, all civilian medical services in the Falkland Islands (Malvinas) have been based at the King Edward VII Memorial Hospital in Stanley. The hospital has 28 beds, including 2 for maternity patients and 2 for intensive care.

41. Vital health statistics for 1996 and 1997 are as follows: there were 21 births in 1996 and 29 in 1997; the number of total deaths was 19 in 1996 and 12 in 1997; and there were two deaths of infants under one year old in 1996 and none in 1997.

C. Social security and welfare

42. Medical and dental treatment and drugs are free to all residents and to citizens of the United Kingdom. The Falkland Islands Retirement Pension provides for mandatory fixed weekly contributions by all employers and employees between the ages of 17 and 64. The Falkland Islands Pensions Scheme Ordinance 1997 commenced during 1998. The scheme provides a national defined contribution vehicle through which employers, self-employed individuals and other individuals in the Territory can make contributions under employer-employee agreements or voluntarily during their working lives and receive a pension upon retirement.

43. A system of social welfare grants and pensions is in operation to deal with cases of hardship and disability. Expenditure for the financial years 1996 and 1997 was £49,000.

D. Housing

44. The Planning Ordinance of 1991 governs development. The legislation is structured to impose stricter controls on development in Stanley than in the rural areas. Construction at East Stanley has resulted in a significant increase in the number of Government-owned houses and the Housing Section has been active in meeting tenants needs. The Government rents to government employees and other residents of Stanley. The majority of the houses in Stanley are privately owned.

VI. Educational conditions

45. The educational system of the Territory, governed by the Educational Ordinance of 1989, is the responsibility of the Director of Education, who is an officer of the Falklands Islands (Malvinas) Government. He is advised by the Education Board.

46. Education is compulsory for all children between the ages of 5 and 16 years. The territorial Government bears all the costs of materials, books and equipment, and also provides funding for studies in the United Kingdom for students above the age of 16 who qualify through exams.

47. There are two schools in Stanley, a junior school and, since 1992, the Falkland Islands Community School. Outside Stanley, there are approximately 42 children of school age living in some 22 scattered farm settlements. The younger children attend small settlement schools or are taught by travelling teachers. Older students attend school in Stanley.

48. Expenditure on education for 1998 and 1999 is estimated at £3.33 million. The cost of overseas training for further higher education is estimated at £492,000.

VII. Other developments

49. Since the issuance of the previous working paper (A/AC.109/1999/12), further groups of relatives of Argentines who died in the 1982 conflict visited the Falkland Islands (Malvinas) in October, November and December 1999 and in February and March 2000. Five groups of direct relatives, of 20 persons each, accompanied by a priest, visited the Argentine cemetery and attended religious services. These trips departed from Río Gallegos.

VIII. Participation in international organizations and arrangements

50. The Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of the British Dependent Territories Association. Representatives of this Government have participated, as members of the United Kingdom delegation, in discussions on matters affecting their interests, such as those leading to the 14 July 1999 joint statement.

IX. Consideration by the United Nations

A. Special Committee

51. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 10th meeting on 1 July 1999. At its 3rd meeting, on 21 June 1999, the Special Committee granted requests for hearing to Ms. Sharon Hanford and Ms. Jan Cheek of the Legislative Council of the Falkland Islands, Mr. Alejandro Betts, Mr. Carlos Moyano Llerena and Mr. Ricardo Ancell Patterson, who made statements at the 10th meeting, on 1 July 1999. At its 10th meeting, the Committee acceded to the requests of the delegations of Argentina, Uruguay (on behalf of the States members of the Southern Cone Common Market (MERCOSUR) plus Bolivia and Chile) and Paraguay to participate in the consideration of the item. At the same meeting, the representative of Chile introduced, also on behalf of Bolivia, Cuba and Venezuela, a draft resolution on the question (A/AC.109/1999/L.5).

52. At the same meeting, the Minister of Foreign Affairs, International Trade and Worship of Argentina made the following statement:

> "We have always claimed our sovereign rights over the Malvinas, South Georgia and

South Sandwich Islands and, along with much of the international community, we have been requesting the United Kingdom to hold talks on this issue and other issues which will help us establish harmonious and normal relations in the South Atlantic. This leads me directly to the heart of the problem and the centre of what could be a road to solution.

"When we speak of the Malvinas Islands, we do not hesitate to recognize the existence of an identifiable and well-defined community. There is no doubt that many of the islanders are the descendants and the result of a forcible territorial occupation which took place at the beginning of the nineteenth century. Virtually cut off from what was taking place only a few kilometres away, they lived and evolved alongside continental Argentina. It is clear from the events which occurred in 1833 that there was an earlier community, which had been largely displaced from the islands.

"The island community, whose existence and culture we are committed to respecting in our own Constitution, has a clear, dominant British identity, a characteristic which we recognize, but which is largely a result of the administrative shackles imposed for decades by the occupying power, which have distorted the normal development of the South Atlantic."

53. At the same meeting, the representative of Uruguay, on behalf of the States members of the Southern Cone Common Market (MERCOSUR) (Argentina, Brazil, Paraguay and Uruguay) and of Bolivia and Chile, said that, even as the end of the International Decade for the Eradication of Colonialism approached the question of the Falkland Islands (Malvinas) remained on the agenda of the Special Committee. It was thus necessary to make every effort to make progress on this issue. He recalled the Declaration on the Malvinas adopted at the tenth meeting of Presidents of the States members of MERCOSUR and of Bolivia and Chile, held at Potrero de Los Funes, Argentina, on 25 June 1996, at which the Presidents reaffirmed their support for the legitimate right of Argentina in the sovereignty dispute on the question of the Falklands (Malvinas) urging that the controversy should be resolved as soon as possible in accordance with resolutions of the United Nations and the Organization of American States. He also drew attention to the sixteenth meeting of Presidents of States members of MERCOSUR and Bolivia and Chile, held in Asuncion, Paraguay, on 5 June 1999. On that occasion, the Presidents noted with satisfaction the positive dialogue between Argentina and the United Kingdom with regard to the situation in the South Atlantic, they recalled the Potrero de Los Funes Declaration and reiterated their unwavering commitment to the policy of securing communications and free transit of persons with the Falkland Islands (Malvinas), without discrimination and in a fluid and friendly manner.

54. During the debate on the question, the representative of Antigua and Barbuda said the issue of the Falkland Islands (Malvinas) was not an issue of decolonization, but rather it was an issue that should be placed before the Security Council or the General Assembly. The representative of Venezuela said that his country believed that negotiations between Argentina and the United Kingdom were the only way to resolve the dispute. The representative of Indonesia expressed confidence that the dispute would eventually be amicably settled to the satisfaction of all parties concerned. The representative of Fiji said his delegation believed that it was necessary to focus on the persons inhabiting the Territories, and that the Committee needed to consult with the International Court of Justice for a legal opinion on the dispute. The representative of Grenada said that the dispute between Argentina and the United Kingdom had become less confrontational. He suggested that the inhabitants of the Falkland Islands (Malvinas) should be involved in the process of discussions. The representative of Cuba said that his country supported the legitimate right of Argentina over the sovereignty of the Falkland Islands (Malvinas). The representative of China expressed the hope that talks between the United Kingdom and Argentina would continue and that the situation would be resolved soon. The representative of Bolivia said his country recognized the right of Argentina over the sovereignty of the Falkland Islands (Malvinas). At the same meeting, the Special Committee adopted the draft resolution without a vote (see A/AC.109/1999/23). Following the adoption of the resolution, the representative of Sierra Leone made a statement in explanation of position in which he urged both sides in the conflict to find an agreeable solution. The Committee should ensure that the interests of the people of the Falkland Islands (Malvinas) were taken

into account. He also said that the Islanders should be given the right to self-determination.

B. General Assembly

Position of the Government of Argentina

55. During the general debate at the fifty-fourth session of the General Assembly, the President of Argentina, Mr. Carlos Saúl Menem, in the course of his statement at the 7th plenary meeting, on 21 September 1999, reiterated the position of his Government as follows:

> "Allow me once again to refer to the pending sovereignty dispute concerning the Malvinas Islands.
>
> "One of the first measures we adopted upon taking office was to re-establish diplomatic relations with the United Kingdom, in February 1990.
>
> "Since then, while reaffirming our sovereignty rights and motivated by a spirit of reconciliation, we have worked harmoniously with the United Kingdom on various matters relating to the South Atlantic, such as the rebuilding of a climate of mutual trust in the area, the preservation of live marine resources, the exploration and exploitation of hydrocarbons, the resumption of flights between the continent and the Malvinas Islands, and the access of persons carrying Argentine identity documents to the Malvinas Islands.
>
> "Argentina is a country that is proud of its cultural diversity. Our Constitution establishes as a national goal the recovery of the Malvinas Islands while guaranteeing the strictest respect for the way of life of their inhabitants.
>
> "I am convinced that the conditions exist for Argentina and the United Kingdom to begin without further delay a dialogue towards a definitive solution of the sovereignty dispute, thus fulfilling the numerous resolutions adopted by the General Assembly and the Special Political and Decolonization Committee."

56. That position was reaffirmed in a letter dated 13 October 1999 from the Permanent Representative of Argentina (A/54/472) containing a written statement in exercise of the right of reply to the written statement contained in a letter dated 22 September 1999 from the Permanent Representative of the United Kingdom (A/54/420) in exercise of the right of reply to the remarks made by the President of Argentina. The statement read as follows:

> "The Government of the Argentine Republic fully endorsed the ideas put forward by the President of Argentina, Mr. Carlos Saúl Menem during the general debate at the fifty-fourth session of the General Assembly and recalls that the Assembly in its resolutions 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988, recognizes the existence of a dispute between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Malvinas.
>
> "In those resolutions and in subsequent resolutions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the parties are invited to renew negotiations with a view to finding, as soon as possible, a peaceful solution to the dispute over sovereignty relating to the Malvinas, duly bearing in mind the interests of the population of the Malvinas.
>
> "In that context, the Government of Argentina rejects the terms of the letter of the United Kingdom regarding the claim that the "wishes" of the inhabitants of the Malvinas should be respected. The Argentine Republic has repeatedly proven its commitment to protect the "interests" of the islanders. The Argentine Constitution sets out as a national objective the recovery of the Malvinas, South Georgia Island and South Sandwich Islands and the corresponding maritime and island areas, while guaranteeing strict respect for the lifestyle of their inhabitants.
>
> "The Argentine Government trusts that, in response to the numerous invitations by the

international community, and within the auspicious framework of bilateral relations, negotiations will be renewed with a view to reaching without further delay a peaceful and definitive solution to the dispute on sovereignty, in accordance with the wishes of the General Assembly and the Special Committee on Decolonization."

Position of the administering Power

57. In his statement at the 5th plenary meeting of the General Assembly, on 20 September 1999, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom made no reference to the question of the Falkland Islands (Malvinas)[3]. However, the United Kingdom exercised the right of reply in a written statement contained in a letter dated 22 September 1999, from the Permanent Representative of the United Kingdom (A/54/420). The written statement in exercise of the right of reply to the remarks of the President of Argentina (see para. 55 above), read as follows:

"The British Government shares the President of Argentina's satisfaction at the strengthening of relations between our two countries in the last year, reflected in his and the Prince of Wales' visits and culminating in July in the signing by British and Argentine delegations of an agreement on practical arrangements on access for Argentine citizens to the Falkland Islands, air links to South America and measures to enhance fisheries cooperation and to combat poaching of fish stocks. These measures represent an important advance in our bilateral relations and a milestone on the path of reconciliation.

"There is, however, nothing in the agreement that compromises the position of the United Kingdom in relation to its sovereignty over the Falkland Islands: we have no doubt about Britain's sovereignty over the Falkland Islands and the other British dependencies in the South Atlantic.

"The wishes of the people of the Falkland Islands must be heeded. The elected representatives of the Islanders expressed their views clearly when they visited the United Nations for this year's debate in the Committee of 24. They asked the Committee to recognize that they, like any other democratic people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not want to be part of Argentina.

"This year's agreement, however, showed clearly that we in the United Kingdom and Argentina can manage our differences on sovereignty while making practical arrangements on matters of common interest in the South Atlantic. The British Government is confident that our relations will continue to flourish in that spirit of reconciliation, cooperation and mutual interest."

Contribution by other Member States

58. During the general debate on decolonization items in the Special Political and Decolonization Committee (Fourth Committee) on 5 October 1999, the representative of Mexico speaking on behalf of the Rio Group, expressed confidence that the strengthening of bilateral relations between the Governments of Argentina and the United Kingdom and the recent signing by both countries of a joint statement would establish a solid basis for future negotiations which would once and for all lead to a settlement of the dispute concerning sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands, in accordance with the resolutions of the General Assembly and the Special Committee on decolonization (see A/C.4/54/SR.4, para. 45).

59. At the same meeting, the representative of Uruguay, speaking on behalf of the States members of MERCOSUR, Bolivia and Chile, said that, with reference to the dispute between Argentina and the United Kingdom concerning sovereignty over Malvinas Islands, South Georgia and the South Sandwich Islands, MERCOSUR had noted with satisfaction the strengthening of bilateral links and the atmosphere of increasing trust in relations between the two countries, thanks to the exchange of high level visits in 1998-1999. The MERCOSUR countries also welcomed the recently adopted joint statements which had allowed the renewal of air and sea communications between mainland Argentina and the Malvinas Islands and permitted free access to the islands by Argentine nationals. They regarded the signing of the statement as an important step towards the strengthening of peace and cooperation in the South Atlantic. The

MERCOSUR countries hoped that development of bilateral relations would provide a stimulus to the holding of future talks with a view to the final settlement of the dispute concerning the Malvinas.

60. Also at the fourth meeting, the representative of Cuba reaffirmed his delegation's strong support for the legitimate right of Argentina in the dispute concerning sovereignty over the Malvinas Islands. A lasting, peaceful and just settlement could be achieved only on the basis of dialogue and cooperation between the parties.

61. At the sixth meeting of the Fourth Committee, on 7 October 1999, the representative of Chile said he associated his delegation with the statement made by the representative of Mexico on behalf of the Rio Group and by Uruguay on behalf of MERCOSUR. He reaffirmed the conviction that there should be a peaceful and negotiated solution to the dispute between Argentina and the United Kingdom, in conformity with the relevant resolutions of the General Assembly and of the Special Committee (see A/C.4/54/SR.6, para. 39).

Action by the General Assembly

62. At its 71st plenary meeting, on 6 December 1999, the General Assembly decided to defer consideration of the item entitled "Question of the Falkland Islands (Malvinas)" and to include it in the provisional agenda of its fifty-fifth session (decision 54/412).

X. Consideration by other intergovernmental organizations and international forums

63. On 8 June 1999, the General Assembly of the Organization of American States (OAS) adopted a declaration on the question of the Malvinas Islands (AG/DEC/21 (XXIX-O/99)) in which it welcomed the reaffirmation of the will of the Argentine Government to continue exploring all possible avenues for peaceful settlement of the controversy and its constructive approach towards the inhabitants of the Malvinas Islands; reaffirmed the need for the Governments of Argentina and the United Kingdom to begin, as soon as possible, negotiations on the sovereignty dispute, in order to find a peaceful solution to this protracted controversy; and decided to continue to examine the question of the Malvinas Islands at its subsequent sessions until a definitive settlement was reached thereon.

64. The position of the United Kingdom with regard to the consideration of the question of the Falkland Islands (Malvinas) at OAS was stated in a letter dated 13 November 1995 from the Permanent Observer Mission of the United Kingdom to OAS addressed to the Chairman of the Permanent Council of OAS:

> "The position of the British Government on the question of the Falkland Islands is well known and remains unchanged. It was, for example, set out most recently by the British delegation in the United Kingdom right of reply to the statement to the United Nations General Assembly by the Argentine Minister for Foreign Affairs on 27 September. I am sure you will understand why the United Kingdom cannot accept the various resolutions and declarations adopted by the General Assembly of the Organization and referred to in the preamble and operative paragraph 1 of resolution 655 (104/95). I am sure that this matter will not inhibit the fruitful cooperation on a wide range of issues which we all desire."

65. At the ninth Ibero-American Summit held at Havana, the Heads of State or Government adopted the following declaration on 16 November 1999:

> "The heads of State and Government of the Latin American countries, meeting in the city of Havana, Cuba, bearing in mind the progress achieved in Argentine-United Kingdom relations since our Margarita Declaration, once again affirm the need for the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume, as soon as possible, negotiations aimed at finding an early solution to the sovereignty dispute in relation to the question of the Malvinas Islands, in accordance with the resolutions of the United Nations and the Organization of American States and the provisions and objectives of the Charter of the United Nations, including the principle of territorial integrity".

Notes

[1] The information contained in the present paper has been derived from information transmitted to the Secretary-

General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 *e* of the Charter of the United Nations on 5 May and 6 June 2000, as well as from official documents of the Government of Argentina.

[2] See *Official Records of the General Assembly, Fifty-fourth Session, Plenary Meetings*, 7th meeting (A/54/PV.7).

[3] See Ibid., 5th meeting (A/54/PV.5).